

2. Remarks.

As amended, each independent claim is allowable. Comments specific to the independent claims follow:

Claim 1: Niemic describes activation of an alarm if a monitored condition (e.g., temperature, relative humidity, expiration date etc.) is above or below a predetermined threshold. The Examiner contends that Niemic's identification of an expiration date anticipates the claimed "potency condition." Without acquiescing to the Examiner's position, Niemic does not disclose or suggest apparatus in which the controller is capable of calculating a dosage in response to a calculated potency value.

Rocci et al. describe counting dosages delivered through an MDI, but not calculating a dosage in response to a calculated potency value.

Claim 14: amended to incorporate limitations from claim 15, which is noted by the Examiner to be allowable.

Claim 17: amended to incorporate limitations from claim 19 and is allowable for the reasons noted above with regard to claim 1.

Claim 22: amended to incorporate limitations similar to the limitation formerly in claim 20.

Claim 27: Niemic does not disclose or teach controller means configured for controlling the medication supply means in response to the calculated medication potency value.

These claims and all claims that depend from them are in condition for allowance.

Independent claims 32 and 33 are new and both are allowable.

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Claim 32 includes the step in which the dosage of medication delivered to the patient is adjusted in response to the calculated potency condition.

Claim 33 includes means for changing the dosage delivered to a patient in response to a calculated therapeutic potency value. As discussed above, Niemic neither anticipates these claims nor renders them obvious. Rocci et al. describe apparatus that counts dosages delivered through an MDI, but do not describe apparatus capable of changing a dosage.

Respectfully submitted,

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